

**MICHAEL CARTER**  
**317 CHARWOOD CIRCLE**  
**IRONDEQUOIT , NEW YORK 14609**

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June 4, 2020

Hon. Thomas J. McAvoy  
District Court Judge  
US District Court  
Northern District of New York  
James T. Foley Courthouse  
Suite 509  
445 Broadway  
Albany, NY 12207



**RE: MinedMap, Inc., et al. v. Northway Mining, LLC., et al.**  
**Case No. 19-cv-00501**

Dear Judge McAvoy:

I am writing to you because my step-father, Edward Rizzo, received a copy of a summons and complaint as a person of suitable age and discretion, on behalf of me, at 37 Dorset Street, Rochester NY 14609, which is my mother's house and not where I reside. My residence is 317 Charwood Circle, Irondequoit, NY 14609. The person served is named Edward Rizzo and not Edward Carter which the affirmation of service states.

The Summons and Complaint references a Michael Carter as a defendant in the above stated case. I am not that Michael Carter. My name is Michael Lee Carter, Jr., and I am employed by the Department of Environmental Services for the City of Rochester. I have no knowledge of any of the allegations, named plaintiffs or defendants mentioned in the complaint. I have attached an affidavit swearing to those facts.

Please correct the record in this matter and strike the filed affidavit of service which is improper service and factually incorrect: the person served is not named Edward Carter but Edward Rizzo, and it is not where I reside. Additionally, the Michael Carter named in the complaint is not me. If there is anything else that the Court needs from me to strike the affidavit of service I would be happy to provide that to the Court.

Thank you for your attention to this matter.

Respectfully Submitted,

Michael Lee Carter, Jr.

Cc: Jon. Christian F. Hummel  
Magistrate Judge  
US District Court  
Northern District of New York  
James T. Foley Courthouse  
Suite 509  
445 Broadway  
Albany, NY 12207

T. Edward Williams  
250 Greenwich Street, 46<sup>th</sup> Floor  
New York, NYY 10007

John F. Harwick, Esq.  
E. Stewart Jones Hacker Murphy, LLP.  
28 Second Street  
Troy, NY 12180



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MinedMap, Inc., et al, et al.

Plaintiffs,

v.

Northway Mining, LLC., et al.,

Defendants

AFFIDAVIT  
Case No. 19-cv-00501


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STATE OF NEW YORK)  
COUNTY OF MONROE) SS:

Michael Lee Carter, Jr., being duly sworn deposes and says that:

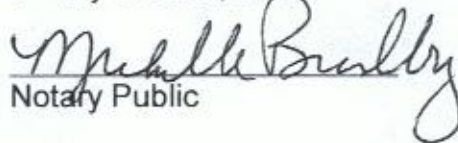
1. I reside at 317 Charwood Circle, Irondequoit, New York 14609.
2. I am employed by the City of Rochester in the Department of Environmental Services and have been employed in such capacity since 2009.
3. My step-father, Edward Rizzo, and my mother live at 37 Dorset Street, Rochester, NY 14609. Edward Rizzo has never gone by the name Edward Carter.
4. I have read the complaint in this action and the allegations made against a Michael Carter in this Complaint have nothing to do with me. I have no knowledge of any of the allegations, plaintiffs or defendants mentioned in the complaint
5. I do not have knowledge of Serenity or MinedMap nor have I stole from them. I do not know Michael Maranda, Svorai or Northway nor have I assisted them in any manner.

6. I have read the complaint giving rise to this proceeding and make this affidavit bases upon my personal knowledge.



Michael Lee Carter, Jr.

Sworn to before this \_\_\_\_\_  
4<sup>th</sup> day of June, 2020.

  
Notary Public

MICHELLE BRADBURY  
Notary Public State of New York  
Qualified in Monroe County - 01BR6315209  
Commission Expires November 24, 2022 

Michael Carter JR

37 Dorsset st

Rochester, NY 14609

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Jon. Christian F. Hummel, Magistrate Judge  
U.S. District Court  
James T. Foley Courthouse  
445 Broadway, Suite 509  
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